

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN SENATE JUNE 13, 2005

Senate Constitutional Amendment

No. 3

Introduced by Senators Lowenthal and Ashburn

(Principal coauthor: Senator Simitian)

(Coauthors: Senators Alquist, Kehoe, Scott, and Soto)

(Coauthors: Assembly Members Benoit, Harman, and Wolk)

December 6, 2004

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the ~~Constitution of the State, by repealing and adding Section 1 of Article XXI thereof, relating to redistricting.~~ *Constitution of the State, by amending Section 12 of, and adding Sections 23 and 24 to, Article IV thereof, and by amending Section 1 of Article XXI thereof, relating to the Legislature.*

LEGISLATIVE COUNSEL'S DIGEST

SCA 3, as amended, Lowenthal. ~~Elections; redistricting.~~ *Legislative process.*

(1) The California Constitution specifies various procedures for the operation of the Senate and the Assembly.

This measure would require each Member of the Legislature to conduct at least 2 town hall meetings each calendar year within the district he or she represents to discuss legislative issues.

(2) Existing provisions of the California Constitution require the Governor to submit annually to the Legislature a budget for the ensuing year, and prescribe a date by which the Legislature must pass a Budget Bill, as specified.

This measure would prohibit the Senate or the Assembly from commencing a summer recess until the Budget Bill has been passed.

(3) Existing provisions of the California Constitution require the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and Board of Equalization districts in accordance with specified standards.

This measure would establish the Citizen's Commission on Boundaries and Accountability, composed of 7 members selected as specified, who would each serve a 3-year term. This measure would require the commission to adopt redistricting plans for congressional, Assembly, Senate, and Board of Equalization districts of equal population, as specified.

This measure would also require the commission to make recommendations to improve existing legislative procedures, including enhancing access to legislative records, and would require, except as specified, that the records of the commission be open to public inspection.

~~Existing provisions of the California Constitution require that each Member of the Senate, Assembly, Congress, and Board of Equalization be elected from a single-member district.~~

~~This measure would require that each of the 40 Senate districts be divided into 2 Assembly districts.~~

~~Existing provisions of the California Constitution require the Legislature, in the year following the year in which the federal census is taken at the beginning of each decade, to adjust the boundary lines of the state Senate, Assembly, congressional, and Board of Equalization districts in accordance with specified standards.~~

~~This measure would delete this provision, and would instead create a procedure for the appointment of an independent redistricting commission, composed of 5 members, which would be charged with establishing congressional, Assembly, Senate, and Board of Equalization districts of equal population in a grid-like pattern across the state, adjusted as necessary to accommodate various goals, as specified.~~

~~This measure would provide that certain records of the commission are public records.~~

~~This measure would grant the Supreme Court original and exclusive jurisdiction over all challenges to a redistricting plan adopted by the commission and would require that any challenges to a district be commenced within 45 days after the commission certified the district to the Secretary of State. The Supreme Court would be required to~~

~~rule on any challenge within 90 days after the challenge is commenced. If the plan is held to be unconstitutional, the Supreme Court shall itself adopt a plan within 90 days.~~

~~This measure would require the establishment of a pool of 25 candidates for appointment to the independent redistricting commission, as nominated by a panel of 10 retired judges of the courts of appeal appointed by the Commission on Judicial Appointments, would require the selection and appointment from this pool of 5 commission members, according to a specified procedure, and would provide for the manner of filling vacancies on the commission, among other things.~~

~~This measure would require the Department of Finance to submit to the Legislature a recommendation for estimated redistricting expenses, to be appropriated by the Legislature by majority vote. It would authorize the commission to contract and to hire staff and consultants, including legal representation, for purposes of this measure. It would provide that commissioners are eligible for reimbursement of expenses pursuant to law.~~

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2005-06 Regular
3 Session commencing on the sixth day of December 2004,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 *First—(a) The Legislature finds and declares that the people*
8 *of the State of California have expressed their desire that the*
9 *Legislature take steps to enhance government responsiveness,*
10 *restore trust through transparency, and eliminate barriers to*
11 *access and participation.*

12 *(b) It is the intent of the Legislature that this Constitutional*
13 *Revision will accomplish these goals by creating an impartial*
14 *and independent Citizen's Commission on Boundaries and*
15 *Accountability.*

16 *(c) It is the intent of the Legislature that this commission adopt*
17 *plans to adjust the boundary lines of the Senatorial, Assembly,*
18 *congressional, and Board of Equalization districts in*
19 *conformance with objective and impartial criteria.*

1 (d) *It is the intent of the Legislature that this commission also*
2 *review and make recommendations regarding legislative*
3 *procedures and enhancing access to legislative records.*

4 (e) *It is the intent of the Legislature that this Constitutional*
5 *Revision further accomplish these stated goals by requiring all of*
6 *the following:*

7 (1) *Each Member of the Legislature shall conduct at least two*
8 *town hall meetings in his or her district each calendar year.*

9 (2) *The Senate and the Assembly shall approve the Budget Bill*
10 *before adjourning for summer recess.*

11 *Second—That Section 12 of Article IV thereof is amended to*
12 *read:*

13 SEC. 12. (a) Within the first 10 days of each calendar year,
14 the Governor shall submit to the Legislature, with an explanatory
15 message, a budget for the ensuing fiscal year containing itemized
16 statements for recommended state expenditures and estimated
17 state revenues. If recommended expenditures exceed estimated
18 revenues, the Governor shall recommend the sources from which
19 the additional revenues should be provided.

20 (b) The Governor and the Governor-elect may require a state
21 agency, officer, or employee to furnish whatever information is
22 deemed necessary to prepare the budget.

23 (c) (1) The budget shall be accompanied by a budget bill
24 itemizing recommended expenditures.

25 (2) The budget bill shall be introduced immediately in each
26 house by the persons chairing the committees that consider the
27 budget.

28 (3) The Legislature shall pass the budget bill by midnight on
29 June 15 of each year.

30 (4) Until the budget bill has been enacted, the Legislature shall
31 not send to the Governor for consideration any bill appropriating
32 funds for expenditure during the fiscal year for which the budget
33 bill is to be enacted, except emergency bills recommended by the
34 Governor or appropriations for the salaries and expenses of the
35 Legislature.

36 (d) No bill except the budget bill may contain more than one
37 item of appropriation, and that for one certain, expressed
38 purpose. Appropriations from the General Fund of the State,
39 except appropriations for the public schools, are void unless

1 passed in each house by rollcall vote entered in the journal,
2 two-thirds of the membership concurring.

3 (e) The Legislature may control the submission, approval, and
4 enforcement of budgets and the filing of claims for all state
5 agencies.

6 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,
7 the Legislature may not send to the Governor for consideration,
8 nor may the Governor sign into law, a budget bill that would
9 appropriate from the General Fund, for that fiscal year, a total
10 amount that, when combined with all appropriations from the
11 General Fund for that fiscal year made as of the date of the
12 budget bill’s passage, and the amount of any General Fund
13 moneys transferred to the Budget Stabilization Account for that
14 fiscal year pursuant to Section 20 of Article XVI, exceeds
15 General Fund revenues for that fiscal year estimated as of the
16 date of the budget bill’s passage. That estimate of General Fund
17 revenues shall be set forth in the budget bill passed by the
18 Legislature.

19 (g) (1) *The Senate may not commence a summer recess until*
20 *the budget bill has been passed by the Senate.*

21 (2) *The Assembly may not commence a summer recess until*
22 *the budget bill has been passed by the Assembly.*

23 (3) *For purposes of this subdivision, the passage of the budget*
24 *bill is deemed to occur when a bill is passed by that house that*
25 *makes appropriations for the support of the government of the*
26 *State for the entire fiscal year.*

27 *Third—That Section 23 is added to Article IV thereof, to read:*

28 *SEC. 23. (a) The Citizen’s Commission on Boundaries and*
29 *Accountability is hereby established. The commission shall*
30 *establish and adopt plans for congressional, Assembly, Senate,*
31 *and Board of Equalization districts as specified by Article XXI.*
32 *The commission also shall assess existing legislative procedures,*
33 *and adopt resolutions making recommendations to improve those*
34 *procedures, including enhancing access to legislative records.*
35 *Each member shall serve a term of three years. All members*
36 *shall be appointed between January 1, 2010, and July 1, 2010,*
37 *and, thereafter, on or before July 1 of each year ending in a zero.*

38 *(b) The commission shall consist of seven members. No two or*
39 *more members may reside in the same county. Each member*
40 *shall be a California voter who has been continuously registered*

1 *with the same political party, or has not been registered with any*
2 *political party, for three or more years immediately preceding*
3 *appointment. Each member shall commit to applying this section*
4 *in an honest, independent, and impartial fashion and to*
5 *upholding public confidence in the integrity of the redistricting*
6 *process. Within the three years immediately preceding*
7 *appointment, a member may not have been appointed or elected*
8 *to, or have been a candidate for, any public office other than*
9 *school district governing board member or other officer of a*
10 *school district or county office of education, and may not have*
11 *served as an officer of a political party, as a registered paid*
12 *lobbyist, or as an officer of a candidate's campaign committee.*
13 *The appointments made pursuant to paragraphs (6) and (7) of*
14 *subdivision (c) shall not result in the commission having more*
15 *than three members affiliated with the same political party.*

16 *(c) Each of the following may, in the order listed below,*
17 *appoint one member to the commission:*

- 18 *(1) The Governor.*
- 19 *(2) The President pro Tempore of the Senate.*
- 20 *(3) The Speaker of the Assembly.*
- 21 *(4) The Senate Minority Leader.*
- 22 *(5) The Assembly Minority Leader.*
- 23 *(6) The California Judicial Council.*
- 24 *(7) The President of the University of California.*

25 *(d) The appointing authorities shall make every effort to*
26 *ensure that the members of the commission are representative of*
27 *California's racial, ethnic, cultural, and gender diversity.*

28 *(e) The members of the commission shall select by majority*
29 *vote one of their members to serve as chairperson and one of*
30 *their members to serve as vice chairperson.*

31 *(f) After having been served written notice and provided with*
32 *an opportunity for a response, a member may be removed by the*
33 *Governor, with the concurrence of two-thirds of the Senate by*
34 *rollcall vote entered into the journal, for substantial neglect of*
35 *duty, gross misconduct in office, or inability to discharge the*
36 *duties of office.*

37 *(g) If a member vacates his or her office for any reason prior*
38 *to completion of the term, the appointing authority shall, within*
39 *30 days of the vacancy, and subject to the conditions set forth in*

1 subdivision (b), appoint a new member to fill the vacancy. The
2 appointee shall serve the remainder of the unexpired term.

3 (h) Four members, one of whom is the chairperson or vice
4 chairperson, constitute a quorum. Four or more affirmative votes
5 are required for any official action. The commission shall
6 conduct business only in meetings open to the public, and shall
7 provide not less than four days' public notice of each meeting,
8 except that closed sessions may be held solely for any of the
9 following purposes:

10 (1) To consider the appointment, employment, evaluation of
11 performance, or dismissal of a public officer or employee, to
12 consider or hear complaints or charges brought against a
13 member of the commission or other public officer or employee,
14 or to establish the classification or compensation of an employee
15 of the commission.

16 (2) To confer with, or receive advice from, its legal counsel.

17 (i) (1) Expenses for the commission shall be paid for out of
18 the operating funds of the Senate and Assembly, except that the
19 amount appropriated for the commission's expenses shall not
20 exceed 40 percent of the amount expended by the Legislature in
21 creating the 2001 district boundaries, as determined by the
22 Legislative Analyst and adjusted decennially by the California
23 Consumer Price Index.

24 (2) For purposes of this subdivision, expenses include the
25 costs of member travel, per diem, staff, counsel, office space, and
26 any activities necessary to perform the work of the commission.

27 (j) The records of the commission and all data considered by
28 the commission are public records, open to inspection by
29 members of the public upon request, except that the commission
30 may withhold from public inspection preliminary drafts, notes,
31 and communications between members.

32 (k) The Supreme Court has original and exclusive jurisdiction
33 in all proceedings where a plan adopted by the commission is
34 challenged. To challenge a redistricting plan, a resident of a
35 challenged district shall commence an action for injunctive or
36 other relief within 45 days after the commission has certified the
37 district to the Secretary of State. The Supreme Court shall rule
38 on any challenge within 90 days after an action challenging a
39 redistricting plan is commenced. If the Supreme Court
40 determines that a redistricting plan adopted by the commission

1 *violates this Constitution, the United States Constitution, or any*
2 *federal statute, the Supreme Court shall, within 90 days, prepare*
3 *and adopt a revised redistricting plan in accordance with the*
4 *standards set forth in this section.*

5 *(l) The provisions of this section are self-executing.*

6 *Fourth—That Section 24 is added to Article IV thereof, to*
7 *read:*

8 *SEC. 24. (a) Each Member of the Legislature shall conduct*
9 *at least two town hall meetings each calendar year within the*
10 *district he or she represents.*

11 *(b) For purposes of this section, a “town hall meeting” is a*
12 *publicly noticed meeting that a Member of the Senate or*
13 *Assembly invites his or her constituents to attend to discuss*
14 *legislative issues.*

15 *Fifth—That Section 1 of Article XXI thereof is amended to*
16 *read:*

17 *SECTION 1. In the year following the year in which the*
18 *national census is taken under the direction of Congress at the*
19 *beginning of each decade, the ~~Legislature~~ Citizen’s Commission*
20 *on Boundaries and Accountability shall adopt plans to adjust the*
21 *boundary lines of the Senatorial, Assembly, ~~Congressional~~*
22 *congressional, and Board of Equalization districts. The*
23 *redistricting plans adopted shall be in conformance with the*
24 *following standards and prioritized in the following order:*

25 *(a) Each member of the Senate, Assembly, Congress, and the*
26 *Board of Equalization shall be elected from a single-member*
27 *district.*

28 *(b) The population of all districts of a particular type ~~shall be~~*
29 *~~reasonably equal.~~ may not deviate from the following limitations:*

30 *(1) Plus or minus one person for each Senate, congressional,*
31 *and Board of Equalization district.*

32 *(2) Plus or minus seven persons for each Assembly district.*

33 *(c) Districts shall comply with the Constitution of the United*
34 *States and the federal Voting Rights Act of 1965 (42 U.S.C. Sec.*
35 *1971 et seq.).*

36 *(d) Every district shall be contiguous.*

37 *(~~d~~)*

38 *(e) Districts of each type shall be numbered consecutively*
39 *commencing at the northern boundary of the State and ending at*
40 *the southern boundary, except that any Senate district that*

1 *contains 60 percent or more of population of an area previously*
2 *assigned an odd district number shall be assigned an odd*
3 *number regardless of geographic location, and any district that*
4 *contains 60 percent or more of population of an area previously*
5 *assigned an even district number shall be assigned an even*
6 *number regardless of geographic location.*

7 ~~(e)~~

8 *(f) The geographical integrity of any city, county, or city and*
9 *county, or of any geographical region shall be respected to the*
10 *extent possible without violating the requirements of any other*
11 *subdivision of this section.*

12 *(g) Districts shall be geographically compact to the extent*
13 *practicable and must reflect geographic communities of interest.*

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16 **All matter omitted in this version of the bill**
17 **appears in the bill as amended in Senate,**
18 **June 13, 2005 (JR11)**
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22 CORRECTIONS: _____

23 JR11 Statement — Page 9.
24 _____